Permit No.: WA-005243-4
Issuance Date: September 27, 2007
Effective Date: November 1, 2007
Expiration Date: October 31, 2012
Modification Date: June 16, 2009

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-005243-4

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

CROWN RESOURCES CORPORATION
363 FISH HATCHERY ROAD
REPUBLIC, WA 99166

Facility Location: Approximately 3.5 miles east of Chesaw, WA	Receiving Water: Outfall 001: Ground water at infiltration gallery Outfall 002: Gold Bowl Creek Outfall 003: South Fork Nicholson Creek Outfall 004: Marias Creek
Receiving Water.:	Discharge Location:
Outfall 001 - Ground water	Outfall 001 Latitude: 48° 57' 1.69" N Longitude: 118° 58' 7.57" W
Outfall 002 - Gold Bowl Creek	Outfall 002 Latitude: 48° 57' 4.93" N Longitude: 118° 58' 42.42" W
Outfall 003 - South Fork Nicholson Creek	Outfall 003 Latitude: 48° 56' 42" N Longitude: 118° 58' 25.82" W
Outfall 004 - Marias Creek	Outfall 004 Latitude: 48° 26' 35.09" N Longitude:118° 58' 16.72" W
Industry Type: Underground gold mining, SIC Code 1041	

is authorized to discharge in accordance with the special and general conditions which follow.

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Jonathan Merz
Acting Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S1.E.	Treatment Plant Initial Discharge Notification	1/permit cycle	At least 10 days prior to initial discharge
S1.F.	Notification of Mine Closure	As necessary	At least 60 days prior to closure
S2.	Plan for citizen observation of water sampling	1/permit cycle	December 1, 2007
S3.A.	Discharge Monitoring Report	Monthly	December 15, 2007
S3.E.	Noncompliance Notification	As necessary	
S4.A.	Operations and Maintenance Manual	1/permit cycle	120 days from first discharge from treatment plant
S4.A.	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	
S4.A.	Treatment System Operating Plan	1/permit cycle	With Operations and Maintenance Manual
S4.B.	Reporting Bypasses	As necessary	
S4.D.	Upset from Storms Larger than Design Storm Event	As necessary	
S5.	Application for Permit Renewal	1/permit cycle	October 31, 2011
S6.C.	Solid Waste Control Plan	1/permit cycle	May 1, 2008
S6.C.	Modification to Solid Waste Plan	As necessary	
S7.A.	Updates to Engineering Report	As necessary	120 days prior to modification
S7.B.	Plans and Specifications	As necessary	60 days after S7.A engineering report approval date
S7.C.1.	Scope of Work for Engineering Report to determine Treatment Plant Operational Monitoring Plan	1/permit cycle	December 1, 2007
S7.C.2.	Engineering Report with Treatment Plant Operational Monitoring Plan	1/permit cycle	90 days from first discharge from treatment plant
S9.	Spill Plan	1/permit cycle, updates submitted as necessary	December 1, 2007
S10.A.	Acute Toxicity Characterization Data	May and September of 2009 and 2010	60 days after each sampling event
S10.A.	Acute Toxicity Tests Characterization Summary Report	December 15, 2009 and 2010	

Permit Section	Submittal	Frequency	First Submittal Date
S10.C.	Acute Toxicity Compliance Monitoring Reports	As necessary	
S10.D.	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S10.D.	Acute Toxicity TI/TRE Plan	As necessary	
S10.E.	Acute Toxicity Effluent Test Results with Permit Renewal Application	1/permit cycle	October 31, 2011
S11.A.	Chronic Toxicity Characterization Data	May and September of 2009 and 2010	60 days after each sampling event
S11.A.	Chronic Toxicity Tests Characterization Summary Report	December 15, 2009 and 2010	
S11.C.	Chronic Toxicity Compliance Monitoring Reports	As necessary	
S11.D.	Chronic Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S11.D.	Chronic Toxicity TI/TRE Plan	As necessary	
S11.E.	Chronic Toxicity Effluent Test Results with Permit Renewal Application	2/permit cycle	October 31, 2011
S12.B.2.	Stormwater Pollution Prevention Plan Modifications	As necessary	
S12.C.2.	Notification of Unpermitted non-stormwater discharges to Stormwater Drainage System	As necessary	
S13.	Development Rock Management Plan Modifications	As necessary	
S14.	Adaptive Management Plan Modifications	As necessary	
S15.	Hydrologic Monitoring Plan Modifications	As necessary	
S16.	Environmental Protection Performance Security Modifications	As necessary	
S17.	Wildlife Mitigation Plan Modifications	As necessary	
S18.	Brine Management Plan	1/permit cycle	January 1, 2008
S18.	Brine Management Plan Modifications	As necessary	
G1.	Signature Authorization/Delegation	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G8.	Notice of Permit Transfer	As necessary	
G21.	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

Discharges must not cause erosion or create slope instability.

For all monitoring, the Permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. If the effluent limit is less than the minimum level of the most sensitive EPA-approved analytical method, the Permittee must use the most sensitive EPA-approved analytical method. For parameters that do not have effluent limitations, the Permittee may use any EPA-approved method for analysis.

The discharge of any of the following pollutants at a level in excess of that identified and authorized by this permit constitutes a violation of the terms and conditions of this permit.

A. Mine Water and Stockpile Stormwater Discharges

Beginning on **October 1, 2007** and lasting through **September 30, 2012**, the Permittee is authorized to discharge mine water and stockpile stormwater at Outfalls 001, 002, 003, and 004 subject to complying with the following limitations:

	EFFLUENT LIMITATIONS: Treatment Plant Effluent	
Parameter	**Average Monthly[c]**	**Maximum Daily[d]**
Ammonia, Total (as N[a]) (mg/L)[b]	0.384	0.770
Antimony, Total Recoverable (mg/L)	0.014	N/A
Arsenic Total Recoverable (mg/L)[e]	<0.001	<0.001
Cadmium, Total Recoverable (mg/L)	0.0013	0.0027
Chloride (mg/L)	250	N/A
Chlorine, Total Residual (mg/L)	0.008	0.019
Chromium, Total Recoverable (mg/L)	0.05	N/A
Copper, Total Recoverable (mg/L)	0.014	0.026
Fluoride (mg/L)	4	N/A
Iron, Total Recoverable (mg/L)	0.30	N/A
Lead, Total Recoverable (mg/L)	0.005	0.009
Manganese, Total Recoverable (mg/L)	0.050	N/A
Mercury, Total Recoverable (mg/L)	0.00001	0.00002
Nickel, Total Recoverable (mg/L)	0.186	0.373
Nitrate (as N) (mg/L)	10	N/A
Oil and Grease (mg/L)	10	15
Selenium, Total Recoverable (mg/L)	0.004	0.008
Silver, Total Recoverable (mg/L)	0.004	0.009
Sulfate (mg/L)	250	N/A
Thallium, Total Recoverable (mg/L)	0.017	N/A
Total Dissolved Solids (mg/L)	500	N/A
Total Residual Chlorine (mg/L)	.008	.019
Total Suspended Solids (mg/L)	20	30
Turbidity (NTU)[f]	15	22
Zinc, Total Recoverable (mg/L)	0.083	0.166
pH (SU)[g]	Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5	

[a] Nitrogen

[b] milligrams per Liter

[c] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[d] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

[e] The method detection level (MDL) for arsenic is 0.001mg/L using graphite furnace atomic absorption spectrometry and EPA method number 206.2 from 40 CFR Part 136. The quantitation level for arsenic is 0.005 mg/L (5 x MDL).

[f] Nephelometric Turbidity Units

[g] Standard Units

B. Stormwater Discharges

1. Upper Portal and Lower Portal Industrial Areas

Beginning on **November 1, 2007** and lasting through **October 31, 2012**, the Permittee is authorized to discharge stormwater to ground water from the Upper Portal Stormwater Retention Pond and the Lower Portal Stormwater Retention Pond to Outfall 002, subject to complying with the following limitations:

	EFFLUENT LIMITATIONS: Upper Portal and Lower Portal Stormwater Retention Ponds	
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
Total Dissolved Solids (mg/L)	500	N/A
Chloride (mg/L)	250	N/A
Oil and Grease (mg/L)	10	15
Copper, Total Recoverable (mg/L)	0.013	0.027
Lead, Total Recoverable (mg/L)	0.005	0.009
Zinc, Total Recoverable (mg/L)	0.083	0.166
pH (SU)	Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5	

[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

2. Undisturbed Areas and Non-Industrial Areas

A. Beginning on **November 1, 2007** and lasting through **October 31, 2012**, the Permittee is authorized to discharge stormwater to ground water from Detention Pond DA3, Detention Pond DA4, Infiltration Trench1, and Infiltration Trench 2, to Outfall 002 subject to complying with the following limitations:

	EFFLUENT LIMITATIONS: Stormwater Detention Ponds DA3 and DA4 Infiltration Trenches 1 and 2	
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
Total Dissolved Solids (mg/L)	500	N/A
Chloride (mg/L)	250	N/A
Oil and Grease (mg/L)	10	15
pH (SU)	Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5	

[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

B. Beginning on **November 1, 2007** and lasting through **October 31, 2012**, the Permittee is authorized to discharge stormwater overflow from Infiltration Trenches 1 and 2 to Outfall 002 subject to complying with the following limitations:

	EFFLUENT LIMITATIONS: Infiltration Trenches 1 and 2	
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
Total Suspended Solids (mg/L)	20	30
Turbidity (NTU)	15	22
Oil and Grease (mg/L)	10	20
Chloride (mg/L)	250	N/A
pH (SU)	Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5	

[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

C. Infiltration Gallery

Treated wastewater discharges to ground water at the infiltration gallery (Outfall 001) must not cause slope instability or rise to less than 1 foot of the ground surface as measured in the piezometers at the gallery site.

D. Capture Zone

The Permittee must establish and maintain a ground water capture zone to include all underground mine workings, the surge pond, and all surface stockpiles of ore and development rock.

E. Treatment Plant Initial Discharge Notification

The Permittee must provide written notification to Ecology at least 10 days prior to the date of start-up and initial discharge from the treatment plant.

F. Closure Requirements

The Permittee must provide written notification to Ecology at least 60 days prior to temporary or permanent closure of the mine. The Permittee must continue monitoring according to the Monitoring Requirements, Condition S2., and the Hydrologic Monitoring Plan, Condition S15. A temporary closure becomes a permanent closure when no mining has occurred for 2 years.

S2. MONITORING REQUIREMENTS

The Permittee must prepare a plan that provides for citizen observation and verification of the water sampling requirements of this permit. The plan must conform to RCW78.56.100(1)(c). The plan must be submitted to Ecology for review and approval by **December 1, 2007.**

The Permittee must monitor in accordance with the following schedule:

A. Treated Mine Water and Stockpile Storm Water Monitoring Schedule

The Permittee must investigate treatment plant operational effluent and identify indicator parameters and monitoring frequencies as required in Condition S7.C.1.

The Permittee must monitor water quality at the following locations:

- Lowest elevation mine sump in the Southwest Zone workings
- Lowest elevation mine sump in the Gold Bowl workings
- Influent to the treatment plant

The Permittee must monitor water quality at the above locations according to the following table:

Parameter	Units	Minimum Sampling Frequency	Sample Type
Flow	gpm	Continuous[a]	Flow meter
pH	SU	Bi-Weekly[b], or more frequently as specified in the Operations and Maintenance Manual	Grab
Temperature	°C	"	"
Dissolved Oxygen	mg/L	"	"
Turbidity	NTU	"	"
Specific Conductance	µS/cm[c]	"	"
Hardness	mg/L	"	"
Total Dissolved Solids	mg/L	"	"
Chloride	mg/L	"	"
Sulfate	mg/L	"	"
Nitrate+Nitrite (as N)	mg/L	"	"
Fluoride	mg/L	"	"
Ammonia, Total (as N)	mg/L	"	"
Alkalinity	mg/L	"	"
Bicarbonate	mg/L	"	"
Calcium	mg/L	"	"
Magnesium	mg/L	"	"
Antimony[d]	mg/L	"	"
Arsenic[d]	mg/L	"	"
Beryllium[d]	mg/L	"	"

Parameter	Units	Minimum Sampling Frequency	Sample Type
Cadmium[d]	mg/L	"	"
Copper[d]	mg/L	"	"
Chromium[d]	mg/L	"	"
Lead[d]	mg/L	"	"
Mercury[d]	mg/L	"	"
Selenium[d]	mg/L	"	"
Silver[d]	mg/L	"	"
Thallium[d]	mg/L	"	"
Aluminum[d]	mg/L	"	"
Iron[d]	mg/L	"	"
Manganese[d]	mg/L	"	"
Nickel[d]	mg/L	"	"
Zinc[d]	mg/L	"	"
Oil and Grease	mg/L	"	"
Total Suspended Solids	mg/L	"	"
[a]Continuous means uninterrupted – except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance.			
[b] Bi-weekly means every two weeks			
[c] micro Siemens per centimeter			
[d] Measured as Total Recoverable			

- Treated effluent from the treatment plant

The Permittee must monitor water quality at the above location according to the following table:

Parameter	Units	Minimum Sampling Frequency	Sample Type
Flow	gpm	Continuous[a]	Flow meter
pH	SU	Bi-Weekly[b], or more frequently as specified in the Operations and Maintenance Manual	Grab
Temperature	°C	"	"
Dissolved Oxygen	mg/L	"	"
Turbidity	NTU	"	"
Specific Conductance	µS/cm[c]	"	"
Hardness	mg/L	"	"
Total Dissolved Solids	mg/L	"	"
Chloride	mg/L	"	"
Sulfate	mg/L	"	"
Nitrate+Nitrite (as N)	mg/L	"	"

Parameter	Units	Minimum Sampling Frequency	Sample Type
Fluoride	mg/L	"	"
Ammonia, Total (as N)	mg/L	"	"
Alkalinity	mg/L	"	"
Bicarbonate	mg/L	"	"
Calcium	mg/L	"	"
Magnesium	mg/L	"	"
Antimony[d]	mg/L	"	"
Arsenic[d]	mg/L	"	"
Beryllium[d]	mg/L	"	"
Cadmium[d]	mg/L	"	"
Copper[d]	mg/L	"	"
Chromium[d]	mg/L	"	"
Lead[d]	mg/L	"	"
Mercury[d]	mg/L	"	"
Selenium[d]	mg/L	"	"
Silver[d]	mg/L	"	"
Thallium[d]	mg/L	"	"
Aluminum[d]	mg/L	"	"
Iron[d]	mg/L	"	"
Manganese[d]	mg/L	"	"
Nickel[d]	mg/L	"	"
Zinc[d]	mg/L	"	"
Oil and Grease	mg/L	"	"
Total Suspended Solids	mg/L	"	"
Total Residual Chlorine	mg/L	5/week	"
[a]Continuous means uninterrupted – except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance.			
[b] Bi-weekly means every two weeks			
[c] micro Siemens per centimeter			
[d] Measured as Total Recoverable			

B. Ground Water Monitoring Schedule

1. Depth-to-water at the Infiltration Gallery must be measured at each of the following:

    - Existing piezometers P-1, P-2, and P-3
    - New piezometers P-1a, P-2a, P-3a, and P-4a
    - Existing monitoring well MW-3
    - New monitoring well MW-13

The depth-to-water measurements must demonstrate that effluent from the treatment plant that is discharged to ground water at the Infiltration Gallery does not rise to less than one foot of the surface.

The new monitoring well and the new piezometers must be installed prior to the first discharges into the infiltration gallery.

Water quality monitoring and depth-to-water measurements in the new well and new piezometers must begin with the first month after installation, or before the first discharges into the infiltration gallery, whichever occurs first.

2. The permittee must measure depth-to-water in mine site piezometers according to the schedule listed in Table 1-5, Piezometer Locations, of the Hydrologic Monitoring Plan, Condition S15. Some of the piezometers in Table 1-5 could become unserviceable due to mining activities and may need replacement; some of the new piezometers are located on National Forest land that may not be immediately accessible for installing the piezometers. As a result, temporary piezometers may need to be installed at alternate locations to demonstrate the extent of the required ground water capture, Condition S1.D.

3. New piezometers and replacement piezometers must be installed prior to the start of mine dewatering.

4. Depth to water measurements must be obtained monthly at a minimum, or more frequently by following the schedule in the Adaptive Management Plan, Condition S14.

5. The sampling locations for ground water quality will be:

- Existing monitoring wells: MW-1, MW-2, MW-3, MW-4, MW-6, MW-7, and MW-9
- New monitoring wells: MW-13, MW-14, and MW-15
- New mine dewatering wells: D-1, D-2, D-3, D-4, and D-5
- New domestic water supply well.

Ground water at the above locations must be sampled according to this table:

Parameter	Units	Sample Points	Minimum Sampling Frequency	Sample Type
Flow	gpm	Treatment Plant Monitoring Port	Continuous[b]	Flow meter
Depth-to-water	0.01 foot	Wells listed above	1/quarter[c]	Measured
pH	SU	"	"	Grab
Temperature	°C	"	"	"
Dissolved Oxygen	mg/L	"	"	"
Turbidity	NTU	"	"	"
Specific conductance	µS/cm	"	"	"
Hardness	mg/L	"	"	"
Total Dissolved Solids	mg/L	"	"	"
Chloride	mg/L	"	"	"
Sulfate	mg/L	"	"	"
Nitrate+Nitrite (as N)	mg/L	"	"	"
Fluoride	mg/L	"	"	"
Ammonia. Total (as N)	mg/L	"	"	"
Alkalinity	mg/L	"	"	"
Bicarbonate	mg/L	"	"	"
Calcium	mg/L	"	"	"
Magnesium	mg/L	"	"	"
Antimony[a]	mg/L	"	"	"
Arsenic[a]	mg/L	"	"	"
Beryllium[a]	mg/L	"	"	"
Cadmium[a]	mg/L	"	"	"
Copper[a]	mg/L	"	"	"
Chromium[a]	mg/L	"	"	"
Lead[a]	mg/L	"	"	"
Mercury[a]	mg/L	"	"	"
Selenium[a]	mg/L	"	"	"
Silver[a]	mg/L	"	"	"
Thallium[a]	mg/L	"	"	"
Aluminum[a]	mg/L	"	"	"
Iron[a]	mg/L	"	"	"
Manganese[a]	mg/L	"	"	"
Nickel[a]	mg/L	"	"	"
Zinc[a]	mg/L	"	"	"

[a]Measured as Total Metals
[b]Continuous means uninterrupted-except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken hourly when continuous monitoring is not possible.
[c]Quarters are defined as follows: 1st – January to March; 2nd – April to June; 3rd – July to September; 4th – October to December

C. Mine Site Surface Water Monitoring Schedule

The sampling locations for surface water quality in the vicinity of the mine are:

- Existing surface water monitoring stations: SW-7, SW-8, SW-9, SW-14, and GW-2 (Roosevelt Adit)
- Existing springs and seeps: JJ-14, JJ-15, JJ-16, JJ-18, JJ-20, JJ-21, JJ-26, and SN-22

Surface water quality at the above locations must be sampled according to this table:

Parameter	Units	Sample Points	Minimum Sampling Frequency	Sample Type
Flow	gpm	Surface water sites listed above	Monthly	Grab
pH	SU	"	"	"
Temperature	°C	"	"	"
Dissolved Oxygen	mg/L	"	"	"
Specific conductance	µS/cm	"	"	"
Hardness	mg/L	"	"	"
Total Dissolved Solids	mg/L	"	"	"
Chloride	mg/L	"	"	"
Sulfate	mg/L	"	"	"
Nitrate+Nitrite (as N)	mg/L	"	"	"
Fluoride	mg/L	"	"	"
Ammonia, Total (as N)	mg/L	"	"	"
Alkalinity	mg/L	"	"	"
Bicarbonate	mg/L	"	"	"
Calcium	mg/L	"	"	"
Magnesium	mg/L	"	"	"
Antimony[a]	mg/L	"	"	"
Arsenic[a]	mg/L	"	"	"
Beryllium[a]	mg/L	"	"	"
Cadmium[a]	mg/L	"	"	"
Chromium[a]	mg/L	"	"	"
Copper[a]	mg/L	"	"	"
Lead[a]	mg/L	"	"	"
Mercury[a]	mg/L	"	"	"
Selenium[a]	mg/L	"	"	"
Silver[a]	mg/L	"	"	"
Thallium[a]	mg/L	"	"	"
Aluminum[b]	mg/L	"	"	"
Iron[b]	mg/L	"	"	"
Manganese[a]	mg/L	"	"	"
Nickel[a]	mg/L	"	"	"

Parameter	Units	Sample Points	Minimum Sampling Frequency	Sample Type
Zinc[a]	mg/L	"	"	"
Turbidity and Total Suspended Solids	NTU mg/L	"	Monthly, except Bi-Weekly[c] at SW-7, SW-8, and SW-9 during April, May, and June	"
[a]Measured as Dissolved				
[b]Measured as Total Recoverable				
[c]Bi-Weekly means every two weeks				

D. Marias Creek Haul Road Surface Water Quality Monitoring Schedule

The permittee must conduct routine surface water quality sampling in Marias Creek in the vicinity of the haul road at monitoring sites MC-1, MC-2, and MC-3 according to the following:

Parameter	Units	Sample Points	Minimum Sampling Frequency	Sample Type
pH	SU	MC-1, MC-2, MC-3	Monthly	Grab
Temperature	°C	"	"	"
Dissolved Oxygen	mg/L	"	"	"
Specific Conductance	µS/cm	"	"	"
Sodium	mg/L	"	"	"
Magnesium	mg/L	"	"	"
Chloride	mg/L	"	Bi-Weekly[a]	"
Turbidity and Total Suspended Solids	NTU mg/L	"	Monthly, except Bi-Weekly[a] during April, May, and June	"
Turbidity	NTU	MC-1 and MC-3	Continuous[b]	Recorded
[a]Bi-Weekly means every two weeks				
[b]When weather conditions allow at US Forest Service established monitoring sites				

E. Stormwater Discharges from Industrial Areas

The Permittee must sample stormwater retained in the Upper Portal Retention Pond and the Lower Portal Retention Pond at the sample points in the Operational SWPPP (Condition S12.) according to the following:

Parameter	Units	Sample Points	Sample Frequency	Sample Type
Total Dissolved Solids	mg/L	SSW3 and SSW4	Monthly when stormwater is present	Grab
Oil and Grease	mg/L	"	"	"
Copper[a]	mg/L	"	"	"
Lead[a]	mg/L	"	"	"
Zinc[a]	mg/L	"	"	"
pH	SU	"	"	"
Specific Conductance	µS/cm	"	"	"
Temperature	°C	"	"	"
Calcium	mg/L	"	"	"
Chloride	mg/L	"	"	"
Magnesium	mg/L	"	"	"
[a]Measured as Total Recoverable				

F. Stormwater Discharges from Undisturbed Areas and Non-Industrial Areas

The Permittee must sample stormwater overflow from Infiltration Trenches 1 and 2 at the sample points in the Operational SWPPP (Condition S12.) according to the following:

Parameter	Units	Sample Points	Minimum Sample Frequency	Sample Type
Total Suspended Solids	mg/L	SSW1 and SSW2	Monthly when discharging	Grab
Turbidity	NTU	"	"	"
Oil and Grease	mg/L	"	"	"
pH	SU	"	"	"
Chloride	mg/L	"	"	"

The Permittee must sample stormwater retained in Detention Ponds DA3 and DA4 at the sample points in the Operational SWPPP (Condition S12.) according to the following:

Parameter	Units	Sample Points	Sample Frequency	Sample Type
Total Dissolved Solids	mg/L	SSW7 and SSW8	Monthly when stormwater is present	Grab
Oil and Grease	mg/L	"	"	"
pH	SU	"	"	"
Specific conductance	µS/cm	"	"	"
Temperature	°C	"	"	"
Calcium	mg/L	"	"	"
Chloride	mg/L	"	"	"
Magnesium	mg/L	"	"	"

The Permittee must sample overflow from Detention Ponds DA3 and DA4 to Infiltration Trenches 1 and 2 at the sample points in the Operational SWPPP (Condition S12.) according to the following:

Parameter	Units	Sample Points	Minimum Sample Frequency	Sample Type
Total Dissolved Solids	mg/L	SSW11 and SSW12	Monthly when discharging	Grab
Oil and Grease	mg/L	"	"	"
pH	SU	"	"	"
Specific conductance	µS/cm	"	"	"
Temperature	°C	"	"	"
Calcium	mg/L	"	"	"
Chloride	mg/L	"	"	"
Magnesium	mg/L	"	"	"

G. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136.

H. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices must be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration must be in conformance with manufacturer's recommendations. Calibration records must be maintained for at least three years.

I. Laboratory Accreditation

All monitoring data required by Ecology must be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH must be accredited if the laboratory must otherwise be registered or accredited. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDING REQUIREMENTS

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **November 1, 2007**. The Permittee must submit monitoring results each month. The Permittee must summarize, report, and submit monitoring data obtained during each monitoring period on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology. The Permittee must ensure that DMR forms are postmarked or received by Ecology no later than the 15th day of the month following the completed monitoring period. The Permittee must submit priority pollutant analysis data no later than 45 days following the monitoring period. Unless otherwise specified, the Permittee must submit all toxicity test data within 60 days after the sample date.

The Permittee must send report(s) to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from

samples sent to a contract laboratory must include information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

The Permittee must submit DMR forms monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, the Permittee must submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of 3 years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. During the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology, the Permittee must extend this period of retention.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Condition S2. of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must take the following action upon violation of any permit condition:

   Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The Permittee must submit results of any repeat sampling to Ecology within 30 days of sampling.

2. The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 509/575-2490, within 24 hours from the time the Permittee becomes aware of the circumstances:

   a. any noncompliance that may endanger health or the environment;
   b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part S4.B., “Bypass Procedures”);
   c. any upset that exceeds any effluent limitation in the permit (See G.15, “Upset”);

d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.; or
e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

3. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 2, above. The written submission must contain:

a. a description of the noncompliance and its cause;
b. the period of noncompliance, including exact dates and times;
c. the estimated time noncompliance is expected to continue if it has not been corrected;
d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
e. if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

4. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.

5. The Permittee must submit reports to the address in S3. ("REPORTING AND RECORDKEEPING REQUIREMENTS").

F. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time the Permittee submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in paragraph E3 above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

The spill of oil or hazardous materials must be reported in accordance with the instructions obtained at the following website: http://www.ecy.wa.gov/programs/spills/other/reportspill.htm

G. Maintaining a Copy of This Permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual must be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to Ecology for approval within 120 days of starting to discharge treated water from treatment plant.

The approved O & M Manual must be kept available at the permitted facility and all operators must follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual must include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.

2. Wastewater system maintenance procedures that contribute to the generation of process wastewater.

3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g., defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).

4. The treatment plant operational water quality monitoring plan, Condition S7.C.

The following information must be summarized in the initial chapter of the O&M Manual. This chapter must be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP must not conflict with the O&M Manual and must include the following information:

1. A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of Special Condition S1 at the production levels used in developing these limitations.

2. In the event production rates are below the baseline levels used to establish these limitations, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the plan.

3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

5. An updated TSOP must be submitted to Ecology with the application for renewal 180 days prior to expiration of the permit. This plan must be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

The O&M Manual and the TSOP must be reviewed by the Permittee at least annually and the Permittee must confirm this review by letter to Ecology. Substantial changes or updates to the O&M Manual must be submitted to Ecology for review and approval whenever they are incorporated into the manual.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass is for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or to adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least 10 days before the date of the bypass.

2. Bypass is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

c. Ecology is properly notified of the bypass as required in Special Condition S3.E of this permit.

3. Bypass is Anticipated and has the Potential to Result in Noncompliance of this Permit.

   The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

   For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan, and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

   Ecology will consider the following prior to issuing an administrative order for this type bypass:

   a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

   b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

   c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

   After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

D. Upset from Storms Larger than Design Storm Event.

Discharges from stormwater control structures due to precipitation amounts larger than the design storm event are subject to the upset provisions of General Condition G15. In addition, the Permittee must sample discharges at the locations specified in the Operational SWPPP (Condition S12.) for the parameters for which this permit establishes effluent limits, estimate the volume of water discharged, and report the data to Ecology.

S5. APPLICATION FOR PERMIT RENEWAL

The Permittee must submit an application for renewal of this permit by **September 30, 2011**.

S6. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of prevention, control, or treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee must submit a solid waste control plan to Ecology no later than **May 1, 2008**. This plan must include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan must include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan must not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to Ecology. The Permittee must comply with the plan and any modifications thereof. The Permittee must submit an update of the solid waste control plan by **September 30, 2011**.

S7. UPDATES TO ENGINEERING REPORT

A. Engineering Report

The permittee must prepare an engineering report for proposed modifications to the existing facility for Ecology's review and approval. The permittee must submit the engineering report no later than 120 days prior to the modifications.

B. Plans and Specifications

No later than 60 days after the approval date of the engineering report, the Permittee must submit two copies of approvable plans and specifications in accordance with Chapter 173-240 WAC to Ecology for review and approval.

C. Treated Mine Water and Stockpile Storm Water Monitoring Schedule

1. By **December 1, 2007**, the Permittee must submit, for Ecology's review and approval, a scope of work for an engineering report that analyzes water quality data from the treatment plant influent and effluent. The engineering report must develop a treatment plant operational water quality monitoring plan for indicator parameters in the effluent from each ion exchange column. The engineering report must identify ion exchange column bed volume maxima for those regulated or unregulated parameters that are the first indicators of breakthrough from the ion exchange columns. The Treatment Plant Operational Monitoring Plan must establish a sampling schedule for the indicator parameters that ensures that discharges from the treatment plant meet the effluent limits in Condition S1.A. The approved Treatment Plant Operational Monitoring Plan must be included in the Operations and Maintenance manual, Condition S4.

2. Within 90 days of treatment plant startup, the Permittee must prepare and submit, for Ecology's review and approval, the treatment plant engineering report and operational monitoring plan.

S8. NON-ROUTINE AND UNANTICIPATED DISCHARGES

A. Beginning on **October 1, 2007**, the Permittee may discharge non-routine wastewater on a case-by-case basis, if approved by Ecology. Ten days prior to any such discharge, the Permittee must contact Ecology and at a minimum provide the following information:

1. The nature of the activity that is generating the discharge.

2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.

3. The total volume of water expected to be discharged.

4. The results of the chemical analysis of the water. The water must be analyzed for all constituents limited for the Permittee's discharge. The analysis must also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by Ecology. All discharges must comply with the effluent limitations as established in Condition S1.of this permit, water quality standards, sediment management standards, and any other limitations imposed by Ecology.

5. The discharge rate must be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.

B. The discharge must not proceed until Ecology has reviewed the information provided and has authorized the discharge. Authorization from Ecology will be by letter to the Permittee or by an Administrative Order.

S9. SPILL PLAN

By **December 1, 2007**, the Permittee must submit to Ecology a spill control plan for the prevention, containment, and control of spills or unplanned discharges of: (1) oil and petroleum products; (2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070; or (3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee must review and update the Spill Plan at least annually. Changes to the plan must be sent to Ecology. The plan and any supplements must be followed throughout the term of the permit.

The updated spill control plan must include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.

- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.

- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S10. ACUTE TOXICITY

A. Effluent Characterization

The Permittee must conduct acute toxicity testing on the effluent from the treatment plant to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below must be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity must be conducted during May and September 2009 and May and September 2010. Characterization data must be submitted to Ecology within 60 days after each sampling event. The Permittee must submit an Acute Toxicity Characterization Summary Report to Ecology by December 15, 2009, and December 15, 2010. The summary report must include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity testing must follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control must be used to estimate the concentration lethal to 50% of the organisms (LC50). The percent survival in 100% effluent must also be reported.

Acute toxicity tests must be conducted with the following species and protocols:

Freshwater Acute Test	Species	Method
Fathead minnow survival and growth	Pimephales promelas	EPA-821-R-02-012
Water flea survival and reproduction	Ceriodaphnia dubia, Daphnia pulex, or Daphnia magna	EPA-821-R-02-012

B. Effluent Limit for Acute Toxicity

The Permittee must have an effluent limit for acute toxicity if, after completing the effluent characterization, either:

1. The median survival of any species in 100% effluent is below 80%.

2. Any one test of any species exhibits less than 65% survival in 100% effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of effluent characterization, the Permittee must immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of effluent characterization, then the Permittee must complete all applicable requirements in subsections E and F.

The effluent limit for acute toxicity is no acute toxicity detected in the acute critical effluent concentration (ACEC). The ACEC equals 100% effluent.

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of Ecology.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit must be conducted biannually, May and September, for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum five effluent concentrations and a control. One of these five test concentrations must be the ACEC of 100% effluent. The Permittee must schedule the toxicity tests in the order listed in the permit unless Ecology notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee must immediately implement subsection D, if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test must be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee must begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring must be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. If there is no discharge to sample during any of these weeks, testing must be conducted on the next discharge event. Testing must determine the LC50 and effluent limit compliance. The discharger must return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by Ecology as an anomalous test result, the Permittee may notify Ecology that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from Ecology before completing the additional monitoring required in this subsection. The notification to Ecology must accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee must complete all of the additional monitoring required in this subsection as soon as possible after notification by

Ecology that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee must proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result must replace the compliance test result upon determination by Ecology that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee must search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to Ecology on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee must submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to Ecology. The TI/RE plan submittal must be within 60 days after the sample date for the fourth additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first three additional compliance monitoring tests failed to meet the acute toxicity limit, then the Permittee must submit the TI/RE plan within 60 days after the sample date for the first additional monitoring test to violate the acute toxicity limit. The TI/RE plan must be based on WAC 173-205-100(2) and must be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

The Permittee must test final effluent once in the last May and once in the last September prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by Ecology must be used, and results submitted to Ecology as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring must be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into Ecology's database, then the Permittee must send the disk to Ecology along with the test report, bench sheets, and reference toxicant results.

2. Testing must be conducted on grab samples. Samples must be shipped on ice to the lab immediately upon collection. If a sample is received at the testing lab within one hour after collection, it must have a temperature below 20°C at receipt. If a sample is received at the testing lab within 4 hours after collection, it must be below 12°C at receipt. All other samples must be 0 to 6°C at receipt. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab must store all samples at 0 to 6°C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing must have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests must meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and Department of Ecology Publication WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by Ecology, testing must be repeated with freshly collected effluent.

5. Control water and dilution water must be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. The permittee may sample receiving water at surface water monitoring station SW-7 at the same time as the effluent and instruct the lab to measure the hardness of both and increase the hardness of the effluent sample to match the hardness of the receiving water sample prior to beginning the toxicity test. Otherwise, the toxicity test must be run on an unmodified sample of the effluent.

7. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S11. CHRONIC TOXICITY

A. Effluent Characterization

The Permittee must conduct chronic toxicity testing on the effluent from the treatment plant. The three chronic toxicity tests listed below must be conducted on each sample taken for effluent characterization.

Effluent characterization for chronic toxicity must be conducted during May and September 2009 and May and September 2010. Characterization data must be submitted to Ecology within 60 days after each sampling event. The Permittee must submit a Chronic Toxicity Characterization Summary Report to Ecology by December 15, 2009 and

December 15, 2010. The summary report must include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

The Permittee must conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions must include the ACEC, or 100% effluent. The Permittee must compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests must be conducted with the following three species and the most recent version of the following protocols:

Freshwater Chronic Test	Species	Method
Fathead minnow survival and growth	Pimephales promelas	EPA-821-R-02-013
Water flea survival and reproduction	Ceriodaphnia dubia	EPA-821-R-02-013
Alga	Selenastrum capricornutum	EPA-821-R-02-013

B. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted under subsection A shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001). The Permittee must complete all applicable requirements in subsections C, D, and F upon determining that an effluent limit for chronic toxicity applies to the discharge.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply.

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC). The CCEC equals 100% effluent.

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of Ecology.

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit must be conducted biannually, May and September, for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using at a minimum five effluent concentrations and a control. One of these five test concentrations must be the CCEC of 100% effluent. The Permittee must schedule the toxicity tests in the order listed in the permit unless Ecology notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee must immediately implement subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test must be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee must begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring must be conducted monthly for three consecutive months using the same test and species as the failed compliance test. If there is no discharge to sample during any of these months, testing must be conducted on the next discharge event. Testing must be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations must equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger must return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by Ecology as an anomalous test result, the Permittee may notify Ecology that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from Ecology before completing the additional monitoring required in this subsection. The notification to Ecology must accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee must complete all of the additional monitoring required in this subsection as soon as possible after notification by Ecology that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee must proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result must replace the compliance test result upon determination by Ecology that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee must search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to Ecology on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee must submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to Ecology. The TI/RE plan submittal must be within 60 days after the sample date for the third additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first two additional compliance monitoring tests failed to meet the chronic toxicity limit, then the Permittee must submit the TI/RE plan within 60 days after the sample date for the first additional monitoring test to violate the chronic toxicity limit. The TI/RE plan must be based on WAC 173-205-100(2) and must be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Chronic Toxicity

The Permittee must test final effluent once in the last spring and once in the last winter prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by Ecology must be used, and results submitted to Ecology as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring must be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria in regards to format and content. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into Ecology's database, then the Permittee must send the disk to Ecology along with the test report, bench sheets, and reference toxicant results.

2. Testing must be conducted on grab samples. Samples must be shipped on ice to the lab immediately upon collection. If a sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be 0 - 6° C at receipt. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab must store all samples at 0 - 6° C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing must have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests must meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria.* If test results are determined to be invalid or anomalous by Ecology, testing must be repeated with freshly collected effluent.

5. Control water and dilution water must be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. The permittee may sample receiving water at surface water monitoring station SW-7 at the same time as the effluent and instruct the lab to measure the hardness of both and increase the hardness of the effluent sample to match the hardness of the receiving water sample prior to beginning the toxicity test. Otherwise, the toxicity test must be run on an unmodified sample of the effluent.

7. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

S12. MINE SITE OPERATIONAL STORMWATER POLLUTION PREVENTION PLAN (OPERATIONAL SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, Publication # WQ-R-93-015, 1998, which is published by the Department of Ecology and available on Ecology's website at http://www.ecy.wa.gov/biblio/wqr93013.html.

A. Plan Implementation

No later than **October 1, 2007**, the Permittee must implement and comply with all the elements of the approved Operational SWPPP, including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

B. General Requirements

1. Retention and Availability:

   The Operational SWPPP and all of its modifications must be retained on-site or within reasonable access to the site so that it is available for review by inspectors.

2. Modifications:

   The Permittee must modify the Operational SWPPP whenever there is a change in design, construction, operation or maintenance which causes the Operational SWPPP to be less effective in controlling the pollutants. The Operational SWPPP must be modified whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the Operational SWPPP are inadequate. The proposed modifications to the Operational SWPPP must be submitted to Ecology for review and approval at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee must provide for implementation of any modifications to the Operational SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an Operational SWPPP become enforceable requirements of this permit.

C. Implementation and Evaluation

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the Operational SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and include a certification that the facility is in compliance with the plan and in compliance with this permit. The record must identify any incidents of noncompliance.

The Permittee must conduct two inspections per year -- one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection must be conducted during a rainfall event by personnel named in the Operational SWPPP to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the Operational SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the Operational SWPPP are being implemented and are adequate. The wet weather inspection must include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the Operational SWPPP must conduct the dry season inspection. The dry season inspection must determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including leachate) to the stormwater drainage system. If an unpermitted, non-stormwater discharge is discovered, the Permittee must immediately identify the source of the discharge, prepare to eliminate the discharge, and notify Ecology.

S13. DEVELOPMENT ROCK MANAGEMENT PLAN

No later than **October 1, 2007**, the Permittee must manage the development rock stockpiles in strict accordance with the Development Rock Management Plan approved by the Washington Department of Natural Resources and Ecology. The plan may be revised to reflect changes necessary to improve the performance of the stockpiles. Any modifications to the plan must not take effect until reviewed and approved by both departments.

S14. ADAPTIVE MANAGEMENT PLAN FOR WATER QUALITY

The Permittee must implement necessary actions identified in the approved Adaptive Management Plan for Water Quality. The management actions may be modified subsequent to the effective date of this permit. Any modifications to the plan must not take effect until reviewed and approved by Ecology.

S15. HYDROLOGIC MONITORING PLAN

No later than **October 1, 2007**, the Permittee must implement the monitoring program in the approved Hydrologic Monitoring Plan. The plan may be modified subsequent to the effective date of this permit. Any modifications to the plan must not take effect until reviewed and approved by Ecology.

S16. ENVIRONMENTAL PROTECTION PERFORMANCE SECURITY (EPPS)

The Permittee must maintain adequate performance security for environmental protection (RCW 78.56.110). No later than **October 1, 2009,** and every 2 years thereafter, the Permittee must determine the adequacy of the EPPS and submit documentation to Ecology for review and approval. If the Permittee makes process or material operational changes that, in Ecology's opinion, may result in a change in costs required to complete the required mitigation, an EPPS review may be performed in less than 2 years. If Ecology determines that additional performance security is required, Ecology will notify the Permittee in writing, including a statement of the amount of the additional performance security. The Permittee must submit the required performance security in a form acceptable to Ecology within 90 days of receipt of the notice.

S17. FISH AND WILDLIFE MITIGATION AGREEMENT

The Permittee must implement the fish and wildlife mitigation measures in the "Agreement for Mitigation Between the State of Washington Department of Fish and Wildlife and Crown Resources Corporation", and all documents referenced therein. The mitigation measures must be implemented in accordance with the schedules found in the agreement and the referenced documents. The mitigation measures may be modified subsequent to the effective date of this permit, provided that the modifications are contained in a mitigation plan approved by the Washington Department of Fish and Wildlife.

S18. BRINE MANAGEMENT PLAN

No later than **January 1, 2008**, the Permittee must prepare for Ecology's review and approval a plan that discloses the management and disposal practices for brines and other waste products that are generated as part of the ion exchange treatment process. The plan may be modified subsequent to its approval by Ecology. Any modifications to the plan must not take effect until reviewed and approved by Ecology.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to Ecology must be signed and certified.

A. All permit applications must be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section must make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit must be deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to $10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to $10,000 for every such violation. Each and every such violation must be a separate and distinct offense, and in case of a continuing violation, every day's continuance must be deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit must, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment must be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, it must promptly submit such facts or information.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 μg/L).
2. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500μg/L).
2. One milligram per liter (1 mg/L) for antimony.
3. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.